

Appl. No.: 09/737,277
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Off. Act. Dated: 02/27/2004

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. **Rejection of Claims 1-8, 11-13 and 16-18 under 35 U.S.C. § 102(b).**

Claims 1-8, 11-13 and 16-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Northington et al. (U.S. No. 6,128,602).

The Applicant has carefully considered the grounds for rejection and responds as follows.

(a) **General Traversal of Rejection.**

The teachings of Northington et al. '602 do not comport to those of the Applicant. This should be quite apparent even from a comparison of the invention titles, in which Northington '602 is entitled "*Open-Architecture System for Real-Time Consolidation of Information From Multiple Financial Systems*", while the Applicant's invention is entitled "*Apparatus and Method for Populating a Portable Smart Device*".

The teachings of Northington et al. '602 are directed to providing an intermediary so that access to a variety of financial systems may be gained through a single accounting system (see abstract). In terminology of today, Northington could be best described as "financial dashboard" software, allowing consolidation of information for retrieval by a user. The background in column 1, lines 21 - 30 of Northington et al. describes this as follows:

"For a large-scale financial entity (such as a corporation, business conglomerate, government, or other large organization), effective and accurate monitoring and control of the financial activities of its divisions, departments, and employees may require a substantial investment of resources. Generally, different types of financial transactions of the entity are performed, controlled and monitored by different, independent computerized financial systems. Each independent financial system may operate on a different, possibly incompatible computer platform."

In contrast, the instant application provides a mechanism for automatically

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populating a transaction device, such as a smart card, or other data terminal. Referring to page 7, lines 27-31 of the Applicant's specification, the Applicant explains:

"The selected device of the user preferably connects through a security gate 14 and user communications mechanism 16 to an agent based, "zero click" system that preferably includes TIPCH 18. Information gathered from inside vendors 20 and optional outside vendors 24 is automatically distributed to the user device 12 from TIPCH 18 when the user enters the system."

In view of these different objects for the inventions it is not surprising that Northington et al. '602 does not teach automatically populating a data terminal when it connects up to the transaction and information clearing house (TIPCH). It is also brought out that the data terminal spoken of by the Applicant can be selectively connected to the TIPCH functionality and need not be connected at all times. The Applicant's invention is also described in terms of a number of different embodiments of the data terminal, as can be seen from the following passage at page 4, line 24 through page 5, line 3 of the specification:

"For example, devices such as smart cellular phones, home personal computers, web-enabled kiosks and personal digital assistants (PDAs) and other financially enabled e-Commerce devices can receive information automatically when linked to the system. The user will have access to relevant information regardless of the type of access including Internet-based, wireless, cable or traditional retail point of sale environment access or of the location of access whether it is at home, business, in-store or mobile. Each device will be automatically populated with the relevant information from TIPCH and therefore the user can know the latest account status and conduct transactions from any one of the many devices at virtually any location. Furthermore, if a device is lost, stolen or destroyed the replacement device can be readily populated with essential information without requiring the user to manually enter all of the information into the device."

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(b) Specific Traversal of Rejection.

The above aspects of the present invention are brought out in the Applicant's pending claims, which are neither anticipated nor rendered obvious by the Northington et al. '602 reference. In the remarks that follow, the Applicant will point out its more specific reasons for traversal of the rejection on a claim-by-claim basis.

Claim 1. This is an independent claim describing Applicant's information gathering and distribution system. The invention as recited in Claim 1, does not comport with what is described by the Northington et al. reference. For example, Northington does not describe *"wherein said electronic information is automatically transferred to said data terminal when said data terminal is connected to said TIPCH"*.

The Examiner relied upon column 7, lines 45-67; abstract; and column 8, line 55 to column 9, line 24 of Northington et al. in support of the rejection. However, those portions of the cited reference do not disclose aspects which can be equated with the foregoing element of Applicant's Claim 1. In column 7, lines 45-67 report generation in Northington et al. is described, wherein data is collected for these reports in response to commands. The abstract describes how the user can *"monitor financial transactions on-line and manipulate and control all financial transactions of the entity in real time using, for example, Web-browser software technology"*. In column 8, line 55 through column 9, line 24, Northington states: *"For example, if a user enters a request for information at remote terminal 110 or customer service terminal 120, the web services element 104 receives the command (as described in further detail below) and transmits it to navigator 404. Navigator 404 then contacts the database management system 301 of data repository element 102 to determine whether the information requested by the user is stored in database 302"*. The text goes on to describe how if the data is not in the database it is collected from the external systems. The "automatic" aspect of Northington has to do with collecting information that is not already in the database in response to a user query.

None of these sections disclose the automatic transferring of information to the

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data terminal as claimed by the Applicant.

No other teachings can be found within Northington '602 which could be equated to the *"said electronic information being automatically transferred to said data terminal"*. For example, the system of Northington et al. discloses the automated collection of information from a variety of financial systems, such as seen in the summary: *"The present invention offers an open-architecture system for automatically consolidating information from a plurality of financial systems into a single system without the need for expensive and time-consuming backroom procedures."*

The teachings of Northington et al. therefore do not disclose automatically transferring the information to the transaction device which is relied upon for supporting the rejection. Since an anticipation rejection requires that every claim element be taught or inherent in a single prior art reference (MPEP §706.02a), Claim 1 is not anticipated by the cited reference.

Therefore the rejection of Claim 1, and the claims which depend therefrom should be withdrawn.

Claim 11. This is an independent claim drawn to an electronic commerce system. In support of the rejection the elements of Claim 11 are recited as being found within the relied upon Northington et al. reference. However, Northington does not teach all of the elements recited in Applicant's Claim 11.

For example, one portion of Claim 11 recites: *"said information automatically transferred to said data terminal when said data terminal is connected to said TIPCH, said TIPCH configured to interface with a financial processing system"*. This aspect is similar to that contained in Claim 1, and the same sections of Northington et al. are provided in support of the rejection. However, similar to Claim 1, no portion of the relied-upon Northington et al. reference teaches anything to comport with this aspect of the invention, as the Northington et al. system it does not automatically transfer information to the data terminal upon connection the TIPCH.

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Therefore the rejection of Claim 11, and the claims which depend therefrom should be withdrawn.

Claim 16. This is an independent claim drawn to a method for permitting an electronic commerce transaction. In support of the rejection, the Examiner stated that the elements of Claim 16 were taught by Northington et al. However, Northington does not teach all of the elements recited in Applicant's Claim 16.

For example, one portion of Claim 16 recites: *"...said TIPCH automatically providing said electronic content to said data-transaction device"*. This aspect is similar to that contained in Claim 1 and Claim 11. The sections of Northington et al. relied upon by the Examiner (figure 6; column 3, line 62 to column 4, line 6; column 10, line 66 to column 11, line 3; and column 6, line 52 to column 7, line 3) do not comport to this portion of the claim. There is nothing in those teachings which describes *"TIPCH automatically providing said electronic content to said data-transaction device"*, as this is known in Applicant's invention. In the embodiment of Figure 6 of Northington et al. the system contains a Smart Card 650 shown for use at the POS. However, the Smart Card is utilized conventionally. Referring to column 11, lines 56 - 64, Northington et al. states: *"According to another preferred embodiment depicted in FIG. 6, transactions at the merchant point-of-sale terminal 610 may be performed using smart card technology as may be known to one of skill in the art. In a preferred embodiment depicted in FIG. 6, smart card access to the network is represented by smart card element 650 connected to merchant point-of-sale terminal 610. According to another embodiment of the present invention, smart cards may be used to access the system 100. A remote terminal 110 with an optional attached smart card reader (shown as 660 in FIG. 6) may use the data stored on smart cards to authorize usage of the system"*. There is no discussion of utilizing the Smart Card as a data transaction device (i.e., *"said TIPCH automatically providing said electronic content to said data-transaction device"*) as recited in Applicant's Claim 16.

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Furthermore, there is no discussion of the *"transaction device having a unique identifier corresponding to the user"* as recited in Claim 16. The teachings of Northington et al. are based on terminals coupled to a network which rely on user passwords and such for controlling access. For example, see column 6, lines 52-60: *"As depicted in FIG. 2, a preferred embodiment of a gateway and network services element 101 includes a login manager 201 for controlling login and handshaking functions between system 100 and all external interfaces, including financial systems 106 and 112. The login manager 201 also performs security functions to prevent unauthorized internal and external access to system 100, for example, using encryption, password and/or other security techniques known to one of skill in the art."*

In addition, Northington et al. describes at column 3, line 62 through column 4, line 2: *"A web services element that provides user access to the information stored and obtained by the system via one or more remote terminals, for example using browser software technology. The web services element also enables transmission of data requests, management and control commands, report requests, and data between the system and the remote terminal in accordance with the user's level of security clearance or access level."*

In the teachings of Northington et al. the data is only provided to terminals in response to commands for data. There is no discussion in Northington et al. of *"providing electronic content for storage in said data-transaction device"* as would be required in support of the rejection. The automated portion of Northington operates such that if the data is not found in the database then it is automatically collected from a selected financial system or systems.

Consequently, elements of Claim 16 are not found within the relied upon reference, and Claim 16 is thus not anticipated by the reference. Therefore, the rejection of Claim 16 and the claims which depend therefrom should be withdrawn.

Claim 18. This is an independent claim drawn to a transaction and information processing clearing house (TIPCH) for use in an electronic system. In support of th

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rejection, the Examiner stated that the elements of Claim 18 are found in Northington et al. However, Northington does not teach all of the elements recited in Applicant's Claim 18.

For example, one portion of Claim 18 recites: *"a secure database identifying accounts corresponding to a particular device identifier"*. Northington et al. teaches the use of a terminal executing a browser which can display data from the database in response to commands. Security is provided by way of user passwords, there is no discussion of *"identifying accounts corresponding to a particular device identifier"*.

In addition, there is no teaching within Northington et al. which comports to *"an information disbursal system, wherein retrieved information in said user information database is automatically dispensed to a user"*. The teachings of Northington et al. require that information be displayed on the terminals in response to commands. It should be appreciated, as described in response to Claims 1, 11 and 16 that the automated activity of Northington '602 is activity which collects information from the connected financial systems when a user command cannot be fulfilled from the data contained in the database.

Therefore, Applicant respectfully asserts that Claim 18 is not anticipated by Northington et al. and requests that the rejection be withdrawn.

Claims 2-8, 12-13, 16-17. These are the dependent claims within this group of claims subject to an anticipation rejection.

These dependent claims should be considered *a fortiori* allowable, because being dependent from base claims shown to be allowable, they too should be considered allowable.

However, many of these dependent claims have their own separate basis for avoiding an anticipation rejection, the following given by way of example.

In Claims 5 and 11, a *"security mechanism"* is recited wherein *"access to said terminal is restricted to a particular user"*. This does not comport to the security of a browser or firewall running on a terminal as taught by Northington et al. in column 3,

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line 62 through column 4, line 6; or in column 10, line 66 through column 11, line 3. Terminals by their nature are not restricted to a particular user, and the system of Northington describes the use of password security.

Therefore, Claims 1-8, 11-13 and 16-18 are not anticipated by Northington et al. and the rejection should be withdrawn.

2. Claims 1-18 are nonobvious.

Nor would the subject matter of Claims 1-18 be obvious to a person having ordinary skill in the art in view of Northington et al. '602. There exists no teaching for automatically transferring data to the data terminal within the cited references, and no incentive or motivation can be found therein for this action. In the context of Northington et al. this would in fact pose a security breach because others can view what is displayed on the terminal. In Applicant's invention, however, the information is only accessible to the particular user. Other elements also distinguish over the Northington reference for which no teachings, motivation, or incentive exists for modification so as to comport with Applicant's claims.

3. Rejection of Claims 9-10 and 14-15 under 35 U.S.C. § 103(a).

Claims 9-10 and 14-15 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Northington et al. (U.S. No. 6,128,602).

Claims 9-10 and 14-15. These are dependent claims within the application which depend from base claims that have been shown to be unanticipated and unobvious over the cited reference. These claims should therefore be considered a *fortiori* allowable.

Therefore, the rejection of these claims should be withdrawn.

4. Amendment of Claims 8-10, 16-2, 5, 7-11, 16, 17.

Claims 8-10. These dependent claims were amended to correct the language in the preamble which was not consistent with the base claims.

Claim 16. This independent claim was amended to recite the relationship of the electronic content for storage in the data-transaction device. Support for the

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amendment can be found throughout the specification, such as at page 7, lines 32-33: *"Data-transaction device 12 preferably has a transaction functionality as well as a data receipt and storage capability."*

Claim 17. This is a dependent claim which was amended to remove a duplicate phrase element.

5. Addition of Claims 19 - 27.

The Applicant has added Claims 19-27, support for which is described below.

Claim 19. This is a new independent claim which is based on independent Claim 11, but describes a more specific embodiment of the invention.

Support for the secure link and unique identifier can be found throughout the specification, such as at page 3, lines 15-17: *"...has a unique identifier (ID) and is capable of connecting with a transaction and information processing clearing house (TIPCH) by a secure link. The computing device preferably incorporates a security device such as on-card fingerprint recognition technology".*

The information repository for each user is found throughout the specification, such as at page 3, lines 29-30: *"The TIPCH also preferably includes an information repository (IR) for each registered user containing pertinent information..."*.

Claim 20. This claim depends from Claim 19 and describes operations which the TIPCH is configured to perform. Support is found throughout the specification, including the flowcharts of FIG. 5 and FIG. 6.

Claim 21. This claim depends from Claim 19 and describes that the TIPCH is configured for registering multiple portable transaction devices for each given user. This allows the user to perform transaction through the TIPCH with a variety of devices.

Support for this claim is found within the specification, such as at page 11, lines 7-13: *"The preferred system has a registration process that includes a registration of each data-transaction device 12, as well as providing billing and security information such as name, Social Security Number, mother's maiden name and password. This information is preferably stored locally on the data-transaction device as well as with the*

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transaction and information processing clearing house. The information is preferably encrypted and delivered to TIPCH 18 over a secure connection at the time of registration."

Claims 22 and 23. These are dependent claims which describe aspects of embodiments of the system which include biometric identification and particularly fingerprint recognition. Support is found in the specification, such as at page 3, line 16: *"...a security device such as on-card fingerprint recognition technology"*, as well as at: page 9, lines 10-15: *"Alternately, authentication may be achieved by using more sophisticated technologies such as a biometric solution (e.g., fingerprint recognition). For example, a fingerprint pad and associated logic may be included to secure the device; thus, to access the device, the user would have to touch the fingerprint pad and wait for the logic to determine that the user is authorized to access the device."*

Claims 24 and 25. These claims comprise dependent claims which describe the portable transaction device with greater particularity. In particular they describe an embodiment as a financially enabled electronic-commerce (e-commerce) device, and in more detail as being selected from the group of electronic-commerce devices consisting essentially of: cards having a smart card chip, digital wallets, smart cellular phones, home personal computers, web-enabled kiosks and personal digital assistants (PDAs).

Support for this is found in the specification, such as the following.

page 4, lines 24-28:

"For example, devices such as smart cellular phones, home personal computers, web-enabled kiosks and personal digital assistants (PDAs) and other financially enabled e-Commerce devices can receive information automatically when linked to the system."

page 8, lines 3-7:

"Accordingly, data-transaction device 12 may contain wireless data communication, data storage and communication protocols for selectively

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communicating with outside devices such as a digital wallet described herein, point of sale (POS) terminal or personal computer (PC) and digital televisions (DTV)."

and at page 8, lines 19-20:

"Alternatively, the card may also have a smart card chip that functions similarly to standard credit cards."

Claim 26. This is a dependent claim describing an aspect of the transaction and information clearing house (TIPCH) which can operate as a transaction agent configured to operate on behalf of a registered user.

Support is found in the specification, including page 15, lines 21-22: *"Turning now to FIG. 5 an embodiment of a startup and initiation procedure to the agent based system of the present invention is generally shown"*; as well as page 7, lines 27-29: *"The selected device of the user preferably connects through a security gate 14 and user communications mechanism 16 to an agent based, "zero click" system that preferably includes TIPCH 18"*.

Claim 27. This is a dependent claim which recites the aspect of automatic population of the portable transaction device with information, and how this can be considered a "zero click" commerce activity.

Support for this is found in the specification, such as in FIG. 5, block 222 along with page 3, lines 9-12: *"a system and method for enabling a user to create and manage ongoing financial relationships and data as well as conduct secure electronic commerce transactions using an agent based "zero click" model"*.

6. Additional Claim fees.

An appropriate fee is enclosed for seven (7) additional total claims including one (1) new independent claim.

7. Conclusion.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass

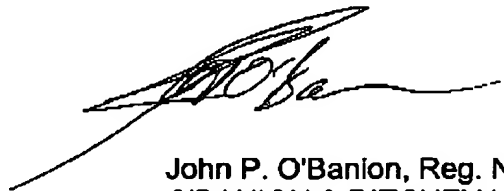
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this application to issue.

The Applicant also respectfully requests a telephone interview with the Examiner in the event that there are questions regarding this response, or if the next action on the merits is not an allowance of all pending claims.

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Respectfully submitted,



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